

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

United States of America,)	
)	
Plaintiff,)	
)	
vs.)	
)	
Shane Twigg,)	Case No.: A-05-0041 CR. (RRB)
)	
Defendant.)	
_____)	

NON-OPPOSED MOTION TO CONTINUE SENTENCING

A period of excludable delay under 18 U.S.C. 3161(h)(1)(F) may occur as a result of the filing/granting/denying of this motion.

COMES NOW, Shane Twigg, by and through counsel, Robert M. Herz, of the Law Offices of Robert Herz, P.C., and hereby moves this court to continue the sentencing that is presently scheduled in this matter for May 15, 2006 at 10:00 a.m.

Mr. Twigg was recently transported to Alaska from FDC Sea-Tac. He was transferred without any of his legal materials. In particular, he does not have his notated copy of the draft pre-sentence report. When counsel went to meet with Mr. Twigg to go over the draft pre-sentence report in order to prepare objections and comments, Mr. Twigg was understandably not prepared to assist counsel. In addition, counsel has identified certain issues raised in the draft that will require some investigative effort and then counsel will want to meet with Mr. Kelly who prepared the draft to discuss these issues. Mr. Twigg now has a new copy of the draft pre-sentence report so that he can prepare to meet with counsel. Counsel will be out of the state from April 16 to April 25, 2006. Counsel will meet with Mr. Twigg upon return and

will file objections thereafter. Hence, counsel anticipates that Mr. Twigg will need at least 45 days to prepare for sentencing.

No prejudice will inure to the government by any delay in sentencing as Mr. Twigg will likely be serving at least 24 months in this matter. Counsel has spoken with Mr. Twigg and he does not object to the sentencing being continued.

Counsel has spoken with AUSA Nesbett who non-opposes this motion to continue to the date requested by counsel. Counsel requests that the sentencing be continued for at least 45 days or sometime thereafter that is convenient to the court.

DATED at Anchorage, Alaska, this 10th day of March 2006.

THE LAW OFFICES OF ROBERT HERZ, PC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 13th day of April 2006, a true and correct copy of the Motion to Continue Sentencing was faxed to the following: USPO Scott Kelley (271-3060) and served electronically on the US Attorney By: s/Robert Herz

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ORDER

FOR GOOD CAUSE SHOWN, and upon consideration of defendant Shane Twigg's
Non-Opposed Motion to Continue Sentencing,

IT IS HEREBY ORDERED that The Motion is GRANTED. The Sentencing is
continued to the _____ day of _____, 2006 at _____ a.m./p.m.

DATED this _____ day of _____, 2006.

By: Honorable Judge Ralph R. Beistline
United States District Court Judge